

PERSONNELReduction In Force**A. Reduction in Force**

A decrease in pupil enrollment, insufficient funding, expiration of special grants and/or other conditions may require a modification of the educational program which results in a reduction in staff from the school division. In such event, the school board, upon the recommendation of the superintendent, shall determine the program adjustments to be made and the reduction in force required. The application of the reduction in force policy shall be for the division as a whole rather than by individual facilities or source of funding. All reductions shall be based on the best interests of the school division and the maintenance of a sound and balanced educational program consistent with the functions and responsibilities of the school board.

B. Licensed Employees

1. Licensed employees are persons who hold a current teaching license issued by the Virginia Department of Education, who are employed on a full-time contractual basis by the Stafford County Public Schools, and are paid on the teacher's salary schedule.

2. The layoff of licensed employees, other than administrative personnel, due to reduction in force shall be accomplished according to the following provisions:

a. The school board, on the recommendation of the superintendent, shall determine the specific endorsement areas or instructional programs in which reductions need to be made and the extent of those reductions.

b. The school board, on the recommendation of the superintendent, shall then determine which individuals, if any, shall be laid off. The primary factor to be considered in making both the recommendation and determination shall be based on seniority, the least senior person being laid off first.

c. Seniority shall be that period of time commencing with the most recent term of continuous service as a

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licensed employee, including service as an administrator, with the Stafford County Public Schools including authorized leave as shown by school board minutes, but excluding temporary, interim, substitute, or part-time employment. The initial date of employment shall be the date on which the licensed employee officially accepts an offer of employment as distinguished from the date of the school board meeting where such an appointment was approved.

Each licensed employee shall be placed on the seniority list for the endorsement area or instructional program in which he or she is actively assigned. In addition, licensed employees recommended for reduction in the area or program of their active assignment shall be placed on the seniority lists in any other areas or programs for which they have a right to be considered pursuant to paragraph B.2.d.

d. Each licensed employee who is recommended for layoff shall be considered for employment, in all programs and instructional areas of the licensed employee's active assignment. Additionally, the licensed employee shall be considered for employment in other areas provided that a current endorsement is held in that area and the employee has taught previously in the area of endorsement on a full-time basis.

3. Released licensed employees shall be offered reemployment as vacancies occur. The superintendent shall recommend in order of seniority which released licensed employees will be offered a position. No new licensed employees shall be employed for an area or program until all properly licensed employees released from such assignment have been provided with the opportunity of filling the available positions. A released licensed employee shall have the right to be offered a position by recall letter, pursuant to the provisions of this paragraph, for a period of fifteen (15) months from the date of the licensed employee's release. Such recall letter shall be sent by certified mail to the employee's current address. It shall be the responsibility of the licensed employee to keep the Department of Human Resources informed of his/her current address. A licensed employee's eligibility for recall shall terminate if he or she:

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- a. Fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him or her a licensed position.
- b. Otherwise indicates in writing that he or she no longer wishes to be considered for recall.
- c. Fails to maintain licensure requirements.

Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be restored fully. However, time which has elapsed between release and reemployment will not count toward length of service and accumulation of leave.

Released licensed personnel may pay the total premium for group life and health insurance for a period of eighteen (18) months, or until the time that the employee's eligibility for recall is terminated or exhausted, whichever occurs first.

C. Service Employees

1. Service employees are defined as those persons assigned full-time to a position on the service salary schedules by action of the school board. For purposes of reduction in force, professional employees shall be considered service employees.

2. The school board, upon the recommendation of the superintendent, shall determine the specific position classifications in which a reduction in force needs to be made and the specific number of positions therein needing to be reduced.

3. The school board on the recommendation of the superintendent shall determine which individuals, if any, shall be laid off within the position classification. The primary factor to be considered in making both the recommendation and the determination shall be based on seniority, the least senior service employee in the designated position classification being laid off first.

The procedure by which service employees are recommended by the superintendent for reduction shall be as

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set out in paragraph B.2.c. with the exception that all employment with the Stafford County Public Schools, regardless of position, shall be counted toward seniority.

In addition, an employee who is recommended for layoff from his or her present position shall be considered for lesser positions which the superintendent determines to have generally similar qualifications and for which the person is otherwise qualified.

4. Released employees shall be offered reemployment as vacancies occur in the position which they held. The superintendent shall make a recommendation as to the order of seniority in which released employees will be offered the position. No new persons shall be employed for a position until all persons released from such positions have been provided with the opportunity of filling the available positions. A person shall not have a right to be recalled to a position higher than the one in which he or she was working at the time of the reduction. However, the superintendent may allow recall to a substantially similar lower position. A person may have the right to be offered a position by recall letter for a period of fifteen(15) months from the day of layoff. Such recall letter shall be sent by certified mail to the employee's current address. It shall be the employee's responsibility to keep the Department of Human Resources informed of the employee's current address. An employee's eligibility for recall shall terminate if he or she:

- a. Fails to respond affirmatively in writing within fifteen (15) calendar days after the mailing of a recall letter offering him or her a position.
- b. Otherwise indicates in writing that he or she no longer wishes to be considered for recall.
- c. Fails to maintain appropriate certification requirements, if applicable.

Upon re-employment, all rights related to salary, fringe benefits, and length of service shall be fully restored. However, time which has elapsed between release and reemployment will not count toward length of service and accumulation of leave.

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Released service employees may pay the total premium for group life and health insurance for a period of eighteen (18) months or the date on which the employee's eligibility for recall is terminated, whichever occurs first.

D. Administration and Other Instructional Personnel

1. Administrative personnel are defined as those persons appointed to the administrative salary schedule by the school board.

2. The school board, upon the recommendation of the superintendent, shall determine the specific position classifications in which a reduction in force needs to be made and the number of positions therein to be reduced.

3. a. Where there is only one person in a position classification determined to be one which must be reduced, that person shall be laid off unless the superintendent considers such employee for another administrative or supervisory position pursuant to paragraph D.3.d hereof. Additionally, administrative and instructional personnel shall be considered for employment in other areas provided that a current endorsement is held in that area and the employee has taught previously in the area of endorsement on a full-time basis.

b. Where there is more than one person in a position classification, the school board, on the recommendation of the superintendent, shall determine which individual(s) shall be laid off. The primary factors to be considered in making both the recommendation and determination shall be job performance, the specific needs of the school division, and any special qualifications an individual might possess.

c. In those cases where no significant difference among individuals exists after a review of these factors, the recommendation and determination shall be based on seniority, as determined by paragraph B.2.c., the least senior being laid off first.

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d. An employee who is recommended for layoff from his or her present position may be considered for other positions which the superintendent determines to have generally similar duties and for which the person is otherwise qualified.

4. Released employees shall be offered reemployment as vacancies occur in the position which they held under the procedure set out in paragraph C.4.

E. Transfer

This policy shall not apply to the transfer of employees but shall only apply when, due to a reduction in force, an employee must be laid off. The superintendent retains the authority to transfer employees to other assignments at any time.

F. Board Minutes

So that there will be no negative implications regarding the professional record of an employee laid off under this policy, the minutes of the board will clearly show that such termination of employment was due to a reduction in force.

G. Activation of Policy

This policy will be activated upon recommendation of the superintendent to the school board. It will not be necessary for the Department of Human Resources to establish seniority lists, etc., until such time as notified by the superintendent.

H. Effect on Term of Contract

Nothing in this policy shall be construed as granting an employee on a term contract the right to employment beyond the term of his or her contract or to grant such person a property interest in employment beyond the term of his or her present contract.

I. Interpretations

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The school board realizes that questions will arise about the application of this policy to a specific case.

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Consequently, interpretations of this policy shall be made by the superintendent when necessary. Any such interpretation shall be presumed valid until specifically ruled otherwise by the school board.

Adopted by School Board: March 12, 1991

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Amended by School Board: August 26, 1997